

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	2 December 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Edwina Clifton, Bernard Purcell
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 2 December 2020, opened at 11am and closed at 12.06pm.

MATTER DETERMINED

PPSSNH-85 – Ryde – LDA2020/0133 at 63 West Parade West Ryde for a residential flat building (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:2 in favour, against the decision were Bernard Purcell and Edwina Clifton.

REASONS FOR THE DECISION

The Panel approved the application for the reasons outlined below and in Council's Assessment Report.

A Concept Plan Approval for development of the site was granted in 2010 and has been amended over subsequent years.

The current development application proposes the construction of three (3) residential flat buildings 6 – 11 storeys in height containing a total of 150 apartments (30 to Building A, 57 to Building B and 63 to Building C) and delivers a mix of social and private housing, with 30 social housing units provided within Building A. The proposal includes three (3) basement car parking levels containing 171 parking spaces, 23 bicycle spaces and loading dock, storage areas and servicing. The proposal is consistent with the provisions detailed within the approved Concept Plan and subsequent amendments and also the NSW Future Directions for Social Housing Policy.

While the development does not comply with the floor space ratio or building height requirements of the Ryde Local Environmental Plan 2014 (RLEP 2014), the Panel notes the Concept Plan Approval prevails over the requirements of the RLEP 2014.

The majority of the Panel concur with Council that the development proposal is sound in terms of design, function and relationship with its neighbours, is consistent with land use zoning and will provide social housing and meet the strategic priorities of the Future Directions Policy. The majority of the Panel also agree with Council that the proposal will result in a sustainable residential community with the high amenity, quality and character anticipated in a high-density living environment.

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the majority of the Panel concur with Council that the proposal is suitable for the site and is in the public interest.

Clrs Clifton and Purcell, of the City of Ryde, do not support this application as it falls well short of the State's own targets for social and affordable housing. If the Department of Planning Industry and Environment cannot meet its own targets, then this sets a poor precedent for social housing in NSW.

This new application has increased the amount of private housing by nearly a third from the original concept plan, and halved the social housing from the original concept plan.

This application does not meet the public interest.

Despite being told that refusal of, or conditioning of the application, would lead to bureaucratic years of delay, we do not find this assuages our disappointment in a system that needs review and improvement in the delivery of social and affordable housing in NSW.

CONDITIONS



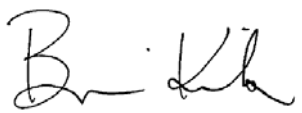


The development application was approved subject to the conditions in Council's Assessment Report with the following amendment:

- New condition 178 to read as follows:
178. Landscape Management – Implementation and management of landscaping. The proposed communal landscaping and irrigation components are to be maintained for the ongoing life of the development by the strata management / owners corporation, as per the details in the approved landscape plans under Condition 1.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the public meeting. Community concerns raised included bulk and scale, height, traffic & parking impacts, privacy and construction impacts on adjoining buildings. In relation to limited on-street parking and a community request for Resident Parking Stickers, Council suggested that option be pursued separately between the local community and Council.

The Panel considered that concerns raised by the community have been adequately addressed in Council's Assessment report, Applicant and Council responses during the meeting and in the conditions as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Edwina Clifton
 Bernard Purcell	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-85 – Ryde – LDA2020/0133
2	PROPOSED DEVELOPMENT	<p>Construction of three (3) residential flat buildings containing a total of 150 apartments 6 – 11 storeys in height with three (3) basement car parking levels containing 171 parking spaces, 23 bicycle spaces.</p> <p>It is proposed to provide a mix of social and private housing, with 30 social housing units provided, within Building A.</p> <p>Associated site preparation and civil engineering works and landscaping works are also proposed.</p>
3	STREET ADDRESS	63 – 77 West Parade, West Ryde
4	APPLICANT/OWNER	<p>Applicant: Billbergia Pty Ltd</p> <p>Owner: NSW Land and Housing Corporation</p>
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land; State Environmental Planning Policy (SEPP) (State and Regional Development) 2011; State Environmental Planning Policy (SEPP) (Infrastructure) 2007; State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004; State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Flat Development; State Environmental Planning Policy (SEPP) (Vegetation in Non-Rural Areas); Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; Ryde Local Environmental Plan 2014 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Remediation of Land (State Environmental Planning Policy); Draft Environment State Environmental Policy; Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 18 November 2020 Council memo: 1 December 2020 Written submissions during public exhibition: 20 Number of unique submissions received by way of objection: 20

		<ul style="list-style-type: none"> • Verbal submissions at the public meeting 2 December 2020: <ul style="list-style-type: none"> ○ Community members: Mayor Laxale, Fred Dafforn, Kay Hooper and Michelle Fonti ○ Council assessment officer – Sandra Bailey, Daniel Pearce ○ On behalf of the applicant – Saul Moran, Murray Donaldson
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 9 September 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Edwina Clifton ○ <u>Council assessment staff</u>: Rebecca Lockart, Alicia Hunter • Final briefing to discuss council's recommendation: 2 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Edwina Clifton, Bernard Purcell ○ <u>Council assessment staff</u>: Alicia Hunter, Sandra Bailey, Rebecca Lockart
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report